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Fausto Texeira Martins Neto

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FAUSTO TEXEIRA MARTINS NETO,

Defendant.

Case No. 2:17-cr-00001-JAD-DJA

**STIPULATION AND ORDER TO
CONTINUE SENTENCING**

[First Request]

IT IS HEREBY STIPULATED AND AGREED by and between Telia U. Williams, Esq.,
counsel for the defendant, Fausto Texeira Martins Neto, and Simon Kung, Esq., Assistant United
States Attorney, counsel for the Government, that the Sentencing currently scheduled for June 15,
2020 at 11:00am, be vacated and reset to a time no sooner than ninety (90) days from June 15,
2020.

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1 This Stipulation is entered into for the following reasons:

- 2 1. The defendant, Fausto Texeira Martins Neto, speaks only Portuguese. Efforts at
3 involving him in his defense and assuring that his decisions are free and knowing
4 require that counsel work with a dedicated Portuguese interpreter and translator.
- 5 2. Presently, counsel desires to have Mr. Neto's Pre-Sentence Report (PSR)
6 translated into his native language so that he may carefully review it for himself
7 (and not merely through interpretation or summary), as well as, meet with counsel
8 to draft objections, if any. (Although counsel's paralegal speaks some Portuguese,
9 he is not able to provide a document translation).
- 10 3. In addition, Mr. Neto would like to read his counsel's proposed sentencing
11 memorandum in Portuguese. That will take several weeks to a couple months to
12 accomplish.
- 13 4. Inasmuch as Mr. Neto's document translator has been ill, and has needed an
14 extended period of time in which to turn around documents, particularly now, after
15 having been stalled during the shutdown for the Covid-19 pandemic, more time is
16 needed to allow her to accomplish the appointed tasks for Mr. Neto.
- 17 5. In addition, counsel has been in contact with Mr. Neto's family in Brazil over the
18 phone (with counsel's paralegal speaking to them in rudimentary Portuguese), in
19 order to attain letters of support. This will take some time, especially as
20 translation will be needed into English for counsel.
- 21 6. Counsel for the Government has no objection to this continuance.
- 22 7. The defendant is in custody, but does not object to a continuance.
- 23 8. Denial of this request for continuance could result in a miscarriage of justice.
- 24 9. For all the above-stated reasons, the ends of justice would best be served by a
25 continuance of the sentencing.

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10. This is the first request for a continuance.

DATED: June 5, 2020

LAW OFFICE OF TELIA U. WILLIAMS

NICHOLAS A. TRUTANICH
UNITED STATES ATTORNEY

By: /s/ Telia U. Williams

By: /s/ Simon Kung

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Simon Kung

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FAUSTO TEXEIRA MARTINS NETO,

Defendant.

Case No. 2:17-cr-00001-JAD-DJA

ORDER

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing therefore, the court finds that the Stipulation by, between, and among the United States, and defendant Fausto Texeira Martins Neto, is entered into for the following reasons:

1. The defendant, Fausto Texeira Martins Neto, speaks only Portuguese. Efforts at involving him in his defense and assuring that his decisions are free and knowing require that his counsel work with a dedicated Portuguese interpreter and translator.

2. Presently, defendant's counsel is preparing to have Mr. Neto's Pre-Sentence Report (PSR) translated into his native language so that he may carefully review it for himself (and not merely through interpretation or summary), as well as, to meet with his counsel to draft objections, if any.
3. In addition, Mr. Neto would like to read his counsel's proposed sentencing memorandum in Portuguese. Translation services, particularly after the shutdown associated with precautions for Covid-19, will require several weeks to a couple months to accomplish this task.
4. In addition, counsel for Mr. Neto needs time to arrange for letters for support for Mr. Neto from his family in Brazil, which will take some time, especially as the letters will have to be translated into English.
5. Counsel for the Government has no objection to this continuance.
6. The defendant is in custody, but has no objection to this continuance.
7. Denial of this request for continuance could result in a miscarriage of justice.
8. For all the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing hearing.
9. Counsel for Mr. Neto has requested ninety (90) days after the currently scheduled sentencing date.
10. This is the first request for a continuance.

CONCLUSIONS OF LAW


Denial of this request for continuance would deny the defendant, Fausto Texeira Martins Neto, the opportunity to have important documents associated with his case translated into his native language, and to assist his counsel with doing objections to his Pre-Sentence Report, and to have letters in his support from his family in Brazil.

As such, denial of this request for continuance could result in a miscarriage of justice.

ORDER

IT IS HEREBY ORDERED that the sentencing currently scheduled for June 15, 2020 at 11:00am, be continued to September 14, 2020, at the hour of 2:00 p.m.

DATED this 8th day of June, 2020.


UNITED STATES DISTRICT JUDGE